IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 5054 of 2005

Between:

Godavari Peoples Welfare Organisation, Narasapur, Narasapur Mandal, West Godavari District,
represented by its Secretary, Grandhi Bhavavanarayana, S/o. Rama Rao, Hindu, aged about 46 years,
Occ : Cultivation, R/o. Patha Bazar, Narasapur, W.G. District.

..... PETITIONER

AND

1 The Deputy Registrar of Cooperative Societies, Muslim Street, Bhimavaram, West Godavari District.
2 The Registrar of Cooperative Societies, Andhra Pradesh, Gruhakalpa, Nampally, Hyderabad.
3 The Narasapur Cooperative Urban Bank Limited, Narasapur, West Godavari District,
rep by its Assistant Registrar/ Part-Time Secretary

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Writ of Mandamus or any other appropriate writ, declaring all illegal and arbitrary action of the 1st respondent in not referring the disputes to the 2nd respondent i.e. the disputes with regard to the payment of to be made to the depositors by the 3rd respondent Bank and the repayments to be made by the loanees to the 3rd respondent bank, who are the members of the Writ petitioner society shown in Annexire No. 1 appended to the writ petition herein and it is further consequentially prayed that this Hon'ble Court may be pleased to direct the 1st respondent to refer the said dispute to the 2nd respondent to refer the said dispute to the 2nd respondent for an amicable settlement of the issue of payment to the depositors to

be made by 3rd respondent bank and repayments to be made to the 3rd respondent bank by the loanees and pass such other or further order as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner :MR.S.R.SANKU

Counsel for the Respondents: GP FOR COOPERATION

The Court at the stage of admission made the following :

ORAL ORDER:

Heard both sides.

In this Writ Petition, the petitioner is seeking a Writ of Mandamus, declaring the action of the first respondent in not referring the disputes with regard to the payment to be made to the depositors by the third respondent and the repayment to be made by the loanees to the third respondent bank, who are the members of the writ petitioner society, to the second respondent, as illegal and consequently, direct the first respondent to refer the said disputes to the second respondent for an amicable settlement of the issue of payment and repayment to be made to the third respondent Bank by the loanees.

The grievance of the petitioner is that the depositors and the Borrowers who are the members of the writ petitioner Society, made a representation dated 5.10.2004 through the Writ Petitioner Society to the second respondent and others to arrange a common dias to unite debtors and depositors in the presence of the authorities to extract payments from the loanees with marginal interest and to make payments on the spot to the depositors as to the principal amount to avoid exploitation, but so far the representation dated 5.10.2004 has not been considered and no package scheme for settlement has been announced.

The learned Government Pleader appearing for the respondents filed a counter taking an objection with regard to filing of the writ petition at the behest of the Secretary by name Grandhi Bhagavannarayana, who is neither depositor nor loanee of the cooperative Urban Bank Limited, Narsapur, West Godavari District.

Having regard to the facts and circumstances of the case and after hearing the arguments submitted by the petitioner at length, this writ petition is liable to be

dismissed as the petitioners herein, are alleged to be both the depositors and the loanees. More over particulars of the members of the association are not given and the interest of loanees is different than that of the interest of depositors, therefore, they cannot combine together and form an association and file the Writ Petition and it is very difficult to protect the interests of the members of the association of loanees and depositors. Therefore, in the absence of details of the members of the association, and in view of conflicting interest of the parties, it is very difficult to proceed with the matter according to law.

Hence, I see no reason to entertain the Writ Petition under Article 226 of the Constitution of India. Accordingly, the Writ Petition is dismissed. The petitioner is given liberty to approach the court with an appropriate writ petition. No order as to costs.

ELIPE DHARMA RAO,J

DATED: 28.04.2005

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To

1 The Deputy Registrar of Cooperative Societies, Muslim Street, Bhimavaram, West Godavari District.
2 The Registrar of Cooperative Societies, Andhra Pradesh, Gruhakalpa, Nampally, Hyderabad.
3 The Narasapur Cooperative Urban Bank Limited, Narasapur, West Godavari District, rep by its Assistant Registrar/ Part-Time Secretary.

4. Two CC to G.P for Cooperation, High Court of A.P. Hyderabad (OUT)

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